

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. 09-00156-07-CR-W-DW
ROGER WILLIAM WEBB,)
Defendant.)

REPORT AND RECOMMENDATION

On May 19, 2009, the Grand Jury returned a nine count indictment defendant Roger Webb and eight other individuals. Defendant is charged with conspiracy to manufacture and distribute a substance containing a detectable amount of methamphetamine in an amount of 500 grams or more (Count I) and conspiracy to possess a listed chemical, pseudoephedrine, with the intent to manufacture or having reasonable cause to believe that the listed chemical would be used to manufacture a controlled substance. (Count II).

On January 13, 2010, counsel for the defendant filed a motion pursuant to 18 U.S.C. § 4241 asking for a determination of defendant's mental competency. (Doc. # 186) The Court committed the defendant to the custody of the Attorney General for placement in a suitable facility to undergo the requested examination. (Doc. # 187)

A hearing was held on June 8, 2010, on the defendant's motion to determine mental competency. Defendant appeared with counsel Kenton Hall. The government was represented by Bruce Rhoades. The only evidence presented at the hearing was the report prepared by Dr. David Morrow of the Federal Detention Center at Englewood, Colorado. Based upon the testing and evaluations described in the report Dr. Morrow concluded that "Mr. Webb is currently suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or properly assist in his defense." (Report at 10). In accordance with

the evidence presented at the hearing, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Roger William Webb is incompetent in that he is presently suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or properly assist in his defense. It is further

RECOMMENDED that the Court commit defendant Webb to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1). The Attorney General shall hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future defendant Webb will attain the capacity to permit the trial to proceed.

Counsel are reminded they have ten days from the date of receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve objections by this date shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on the grounds of plain error or manifest injustice.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE